

Copy - Return

STATE OF INDIANA)
) SS:
COUNTY OF WARRICK)

IN THE WARRICK SUPERIOR COURT #1

~~2010~~ TERM

CAUSE NO: ~~87D0121001-MC~~ 007

IN RE THE INVESTIGATION OF
CASE NUMBER ~~WC~~ 09-1167
Memphis FBI Case 305A-ME-C60020

FILED

JAN 22 2010

SEARCH WARRANT

Sarah E. Dwyer
CLERK WARRICK CIRCUIT AND SUPERIOR COURTS

TO ANY CONSTABLE, POLICE OFFICER, SHERIFF OR CONSERVATOR OF THE
PEACE OF WARRICK COUNTY, GREETINGS:

WHEREAS, there has been filed with me an affidavit of which the following is a
true and complete copy:

STATE OF INDIANA)
) SS:
COUNTY OF WARRICK)

AFFIDAVIT FOR SEARCH WARRANT

Det. Kurt Pritchett (hereafter referred to as "affiant"), being duly sworn upon his/her oath swears or affirms as follows:

- (A) Affiant is a law enforcement officer with the Evansville Police Department, Evansville, Indiana. Affiant is investigating the crime(s) of: Possession of Child Pornography and Child Solicitation occurring between June 2008 through January 2009 at the location of: Memphis, Tennessee and Warrick County, Indiana.
- (B) In furtherance of said investigation Affiant desires to search the following particular residence, structure, person, and/or place of: Residence of Matthew Dehart, 10270 Bourbon Street, Newburgh, Warrick County, Indiana. This is a condominium in the lower level, south west corner of the building with number 10270 hanging above the door on a white and black board. See Exhibit A - photo of residence. Also any outbuildings and other vehicles on the premises.
- (C) That in said search your affiant intends to, and will be searching for, but not limited to, the following particular items/objects: computer, computer equipment, computer hardware, compact discs, DVDs, any audio and video tapes, photographs, recording equipment, cameras, video cameras, wireless cameras, other electronics with recording capabilities, wireless phone, firearms, and ammunition as well as contents and files stored on any of the above media. That for the purposes of this affidavit, unless otherwise specifically indicated, the term "computer" refers to the box that houses the central processing unit (CPU), along with any internal storage devices (such as internal hard drives) and internal communications devices (such as internal

modems capable of sending/receiving electronic mail or fax cards) along with any other hardware stored or housed internally. Thus, "computer" refers to hardware, software, and data contained in the main unit. Printers, external modems (attached by cable to the main unit), monitors, and other external attachments will be referred to collectively as peripherals and discussed individually when appropriate. When the computer and all peripherals are referred to as one package, the term "computer system" is used. Information refers to all the information on a computer system including both software applications and data.

That the term "computer hardware" as used in this affidavit refers to all equipment which can collect, analyze, create, display, convert, store, conceal, or transmit electronic, magnetic, optical, or similar computer impulses or data. Hardware includes (but is not limited to) any data-processing devices (such as central processing units, memory typewriters, and self-contained "laptop" or "notebook" computers); internal and peripheral storage devices, transistor-like binary devices, and other memory storage devices; peripheral input/output devices (such as keyboards, printers, scanners, [plotters, video display monitors, and optical readers); and related communications devices (such as modems, cables and connections, recording equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing or signaling devices, and electronic ton-generating devices); as well as any devices, mechanisms, or parts that can be used to restrict access to computer hardware (such as physical keys and locks).

What the term "computer software" as used in this affidavit refers to digital information, which can be interpreted by a computer and any of its related components to direct the way they work. Software is stored in electronic, magnetic, optical or other digital form. It commonly includes

programs to run operating systems, applications (such as word-processing, graphics, or spreadsheet programs), utilities, compilers, interpreters, and communications programs.

That the term "computer-related documentation" used in this affidavit refers to written, recorded, printed, or electronically stored material, which explains or illustrates how to configure or use computer hardware, software, or other related items.

That "computer-related documentation" used in this affidavit refers to written, recorded, printed, or electronically stored material, which explains or illustrates how to configure or use computer hardware, software, or other related items.

That computer passwords and other data security devices are designed to restrict access to or hide computer software, documentation, or data. Data security devices may consist of hardware, software, or other programming code. A password (a string of alphanumeric or other special characters) usually operates as a "digital key" to "unlock" particular data security devices. Data security hardware may include encryption devices, chips, and circuit boards. Data security software or digital code may include programming code that creates "test" keys or "hot" keys, which perform certain pre-set security functions when touched. Data security software or code may also encrypt, compress, hide or "booby trap" protected data to make it inaccessible or unusable, as well as reverse the process to restore it.

(D) Affiant believes that the crime(s) listed in paragraph (A) have been committed, and that the item(s)/object(s) listed in paragraph (C) are concealed in or about the residence, structure, person, and/or place and/or motor vehicle listed in paragraph (B) based on the following reasons and grounds:

1. See Supplemental Report of Det. Kurt Pritchett and 3 page Probable Cause written by Det. Brett A. Kniss of Franklin, TN Police Department and 3 page Investigative Synopsis Initial Summary compiled by Det. Sgt. Eric Anderson of the Franklin, TN Police Department Internet Crimes Against Children Task Force.

Based on the foregoing information Affiant requests this Court issue a search warrant for the purpose of searching the residence, structure, person, and/or place listed in paragraph (B).

I swear and affirm under the penalties of perjury that the foregoing representations are true to the best of my knowledge and belief.

Signed this 22nd day of January, 2010.



Detective Kurt Pritchett
Evansville Police Department

STATE OF INDIANA

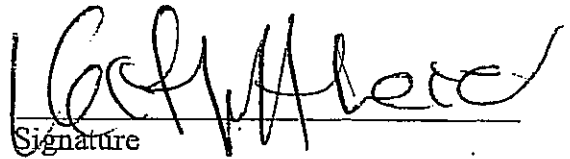
)

) SS:

COUNTY OF WARRICK

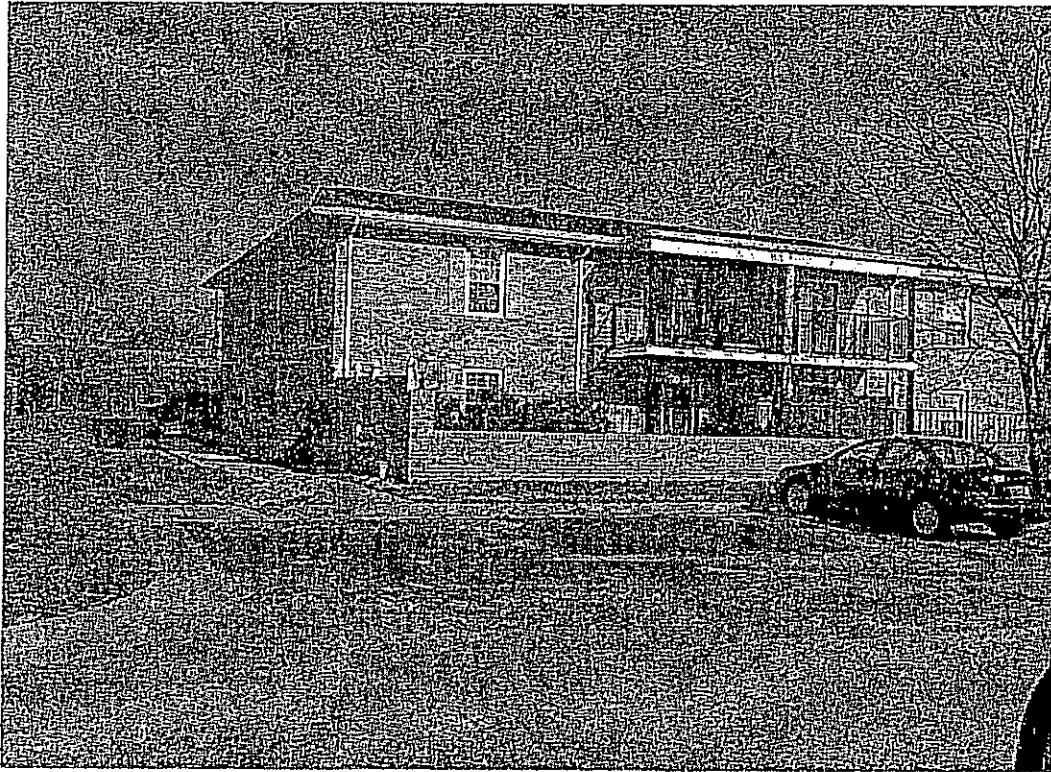
)

Subscribed and sworn to before me, the Honorable Judge of the Warrick Superior Court
No. 1, Warrick County, State of Indiana, this 22nd day of January 2010


Signature

Keith A. Weier
Printed Name

Exhibit A



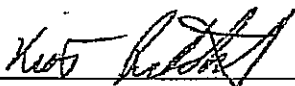
Evansville Police Department
Detective Kurt Pritchett
Supplemental Report
WCSO 09-1167
Memphis FBI Case 305A-ME-C60020

As a Detective of the Evansville Police Department assigned to the FBI Task Force, I have been involved with an investigation that began with the Memphis FBI field office. This investigation involves 25 year old Matthew Paul Dehart (DOB 6/11/1984) soliciting minor children (ages 14 and 16 at the time of the offenses) to send photographs and video of themselves masturbating. He has posed as juvenile females to obtain these photographs and video by electronic communications. Dehart has also had chat communications with the minor victims.

Det. Brett A. Kniss has forwarded to me information for Probable Cause that is included in this affidavit. See also the attached Investigative Synopsis Initial Summary compiled by Det. Sgt. Eric Anderson.

As an experienced computer crimes investigator, and through my training in child pornography investigations, I know that collectors and distributors of pornography value their sexually explicit material, rarely dispose of it, and store it in a secure place—typically, their homes—for long periods of time.

At this time I am requesting a search warrant be issued for the residence of Matthew Dehart at 10270 Bourbon Street, Newburgh for the purpose of searching for evidence related to this case. The facts of this case indicate that there may be photos of the known victims in the residence, as well as on the computer of Matthew Dehart. The information I am also requesting the warrant to authorize searching the contents of the computer.



Detective Kurt Pritchett,
Evansville Police Department



FRANKLIN POLICE DEPARTMENT

-Internet Crimes Against Children Task Force-

109 2nd Avenue South • Franklin, Tennessee 37064 • (615) 794-2513



Investigative Synopsis Initial Summary

Compiled by Det. Sgt. Eric Anderson

The Franklin Police Department/ Internet Crimes Against Children Task Force office has received a complaint of solicitation/exploitation of a minor from Jean [redacted], 836 Pintail Court, Franklin, Tennessee. This is an ongoing case that Detective Kniss is investigating.

The [redacted]s allege that their son, James (age 14) has been in communication with an individual utilizing the alias of "Matthew DiMarco". A friend of James [redacted], Pasha [redacted] (age 16) has also become involved with this "Matthew DiMarco". Both juvenile boys have known the suspect for approximately 1.5-2 years, as they met while playing World of Warcraft. The suspect alleged he was 17 years old and his father was in the mafia in New York. This "Matthew DiMarco" alleges that he attends the Don Bosco Preparatory School in Ramsey, New Jersey.

Both boys disclosed during a forensic interview and follow up questioning that the suspect asked them to take pictures of their penis and send it to an email account allegedly belonging to some females named "Erica" and "Mandy". The suspect knows and "introduced" the boys to these females via text messaging, and there is no independent confirmation that the females exist. Sexually explicit images were taken by James [redacted] and sent to the email address ratemine4@gmail.com. Both boys stated that this suspect has sent pornographic pictures to them via email and/or text message.

Both boys have been in telephone contact with the suspect, and have called him at (607) 793-9600. Both boys have met with the suspect on at least two different occasions in Franklin, Tennessee. Various gifts were given to the boys by the suspect. Pasha [redacted] was able to describe the car driven by the suspect as being similar to a Honda CRV.

The suspect has been identified as Matthew Dehart, and is a 24 year old male in Newburg, Indiana. The boys have identified DeHart from his Indiana Drivers License photo in a photo lineup. DeHart, from accounts by the local police in Newburgh, is a loner and has a great deal of computer expertise. Dehart has been "spoofing" telephone numbers to attempt to create and support this alias of a 17 year old in the New York/New Jersey area. Detective Kniss has contacted the Don Bosco Preparatory School and confirmed that there is no "Matthew DiMarco" that is a student there.

The suspect, on several occasions, has utilized a caller ID spoofing website to continuously call both of the victim's residences. On one occasion, witnessed by Detective Kniss on 07 JAN 2009, the suspect spoofed the caller ID to indicate that he worked at a law firm in New York and represented the "DiMarco's". He went onto say that they were going to take legal action to stop

them from investigating him. He has repetitively called over the course of the next few days stating that he was the father of "Matthew DiMarco" and wanted to know what gifts that his son gave them.

We have determined that **Matthew Paul Dehart** resides at 10270 Bourbon Street, Newburgh, Indiana 47630 from the Indiana BMV (driver's license) and from other online data mining tools and searches. His identifiers are as follows-
DOB: 06-11-1984, SSN: 423-31-7489, IN OLN: 3478814805
Brown hair, brown eyes, 5'11", 160lbs.

Apparently, **Matthew DeHart's** father, Paul, is a Church of Christ minister and information about him, his church, and his family can be found at www.newburghchurch.org. The address of the church is 5111 S. Plaza Dr. Newburgh, Indiana 47630.

On 07 JAN 2009, Jean [redacted] placed a recorded, controlled telephone call to DeHart from a cellular telephone belonging to her son while at the Franklin Police Department. She spoke to the male individual that answered, and advised him to cease all interactions and contact with her son, James or Pasha [redacted]. Since that call, the [redacted]'s and [redacted]'s have received numerous telephone calls from a variety of area codes in the New York and New Jersey area. The male caller has identified himself as "John DiMarco" the alleged father of "Matthew DiMarco" and as a law firm representing the "DiMarco's". The calls have threatened all manner of legal action against both Franklin families if they continue to pursue action against this "Matthew DiMarco".

We have a pen register up and running and are tracking DeHart's cell phone calls. The Tennessee Bureau of Investigation is administering this, and is currently working on confirming the "spoofing". Special Agent Bill Green, Tennessee Bureau of Investigation has submitted an administrative subpoena to "Spoof Card" regarding calls made specifically to the [redacted]'s land line number of 615-794-0464. Analysts from "Spoof Card" have confirmed that there are calls being placed to that Franklin land line that have been "spoofed" to resemble another number recently. SA Green is currently awaiting further confirmation of that information. SA Green can be reached at 615-744-4160.

The two families in Franklin are terrified that this DeHart individual will travel to Franklin and harm them. DeHart knows where they live, and has been down her on at least 2 previous occasions to interact with the boys. He has provided at least one of the boys with unknown drugs and alcohol, has taken one to Murfreesboro to shoot in an indoor range, and has given both several gifts.

Detective Kniss has the boys' computers and cell phones and is working on the forensic analysis of these digital devices.

Pasha [redacted] the 16 year old male has disclosed and provided a written statement that he has invited the suspect to Franklin on two occasions. The victim disclosed that the suspect has provided beer and narcotic believed to be Adderol to him. He stated that the narcotic was in capsule form and that the suspect opened it up and took half of it and gave the other half to him.

On the same occasion, (Dec 19-20, 2008-verified by a hotel receipt at the Fairfield Inn in Cool Springs which the suspect attempted to check in, but his credit card was denied) the suspect drove the victim to On Target Indoor Firing Range in Murfreesboro, Tennessee and told the victim to

sign in and state he was 18 years old. According to the 16 year old victim, the suspect brought his own pistol and gave the victim a .380 round as a souvenir.

This repetitive calling, coupled with the fact that the suspect has a gun, has threatened the victims' before while playing World of Warcraft, and knows where they live and has the means to travel here in approximately 3 hours, has caused the entire family to be in fear for their safety.

Probable Cause

On 1-9-2009, I, Detective Brett A. Kniss, interviewed two individuals who lived in Franklin, Tennessee about the solicitation of their minor son (hereinafter Minor #1), who is fourteen years of age, and their son's friend (hereinafter Minor #2), who is sixteen years of age. Through an online game, World of Warcraft, which uses live Internet chat, these two victims met an individual by the name of Matthew DeHart, whom the boys believed was 16 years of age. DeHart represented himself as being in New York. The parents of Minor #1 had recently discovered sexually explicit photographs on their son's cell phone, and they later learned that these pictures were sent to DeHart and individuals in Indiana whom DeHart represented as being teenage females.

During independent child forensic interviews, both minor victims disclosed that on separate occasions, DeHart had asked each boy to send a picture of his penis to DeHart and to an email account that DeHart stated belonged to some teenage female girls in Indiana. The victims disclosed that the suspect had sent several pornographic images to each of them on separate occasions. Each victim stated that the suspect had driven to Franklin, Tennessee to meet with them on several occasions to bring them gifts. One of the minor victims disclosed that the suspect had provided him with beer and Adderol. On another occasion, that victim skipped school to go with DeHart to an indoor shooting range in another town. DeHart had brought his own guns and provided the minor victim with a gun to use at the indoor range.

After getting consent to examine the minor victims' computers, I conducted a computer forensic examination of each of the computers. I recovered short video clips of Minor #1 in which he was masturbating, chat logs, and several email addresses used by DeHart to communicate with the minor victims over the Internet, including some email addresses to which the minor victims had sent nude photographs of themselves. The chat logs clearly indicated that DeHart had knowledge of the nude photographs and that Minor #1 had sent them to an email account allegedly belonging to female girls in Indiana:

[21:45] DeHart: cant ask

[21:45] DeHart: u for dickpix

[21:45] DeHart: cause ive already seen it

[21:45] DeHart: so that is kinda

[21:45] DeHart: off the table

[21:45] DeHart: LOL

[21:47] Minor #1: if i dont get a video for having a guy and girl see my dick im gonna be pissed off

The chat conversations between Minor #1 and a purported teenage female from Indiana indicated that Minor #1 was enticed to send the videos of himself masturbating. The following is an excerpt from one of the chat conversations:

[22:07] (alleged female from Indiana): okay im ericas friend and we lezz it out for guys
[22:07] (alleged female from Indiana): but only hot ones
[22:07] Minor #1: thats
[22:07] Minor #1: crazy
[22:07] (alleged female from Indiana): yeah u know whats more crazy?
[22:08] Minor #1: other than you thinking im hot
[22:08] Minor #1: what
[22:08] (alleged female from Indiana): you can make me a vid like u did for her
[22:08] (alleged female from Indiana): and in return
[22:08] (alleged female from Indiana): u get a vid of us 69ing
[22:08] (alleged female from Indiana): we decided on it
[22:09] Minor #1: thats
[22:09] Minor #1: a fairly good deal if you ask me
[22:09] (alleged female from Indiana): yes well she lost your videos anyways and i dont have one and i love your body
[22:10] (alleged female from Indiana): good well i need this video like tonight
[22:10] (alleged female from Indiana): and i can do mine tonight/tomorrow morning
[22:11] Minor #1: actually..
[22:11] Minor #1: how bout
[22:11] Minor #1: i have a vid
[22:12] (alleged female from Indiana): ?
[22:12] Minor #1: that i havent sent to erica yet she said she wanted one
[22:12] (alleged female from Indiana): i saw all the ones u showed her tho
[22:12] Minor #1: and i didnt give it to her yet
[22:12] (alleged female from Indiana): its new?
[22:12] (alleged female from Indiana): how good is it?
[22:12] Minor #1: its like 9 or 10 mins bvut its cell cam
[22:12] (alleged female from Indiana): details please
[22:12] Minor #1: just me jerking off. simple
[22:12] (alleged female from Indiana): how much cum?
[22:13] Minor #1: ill do another one tmrw if you give me yours first
[22:13] Minor #1: um above average
[22:13] (alleged female from Indiana): kay well send me this cell thing
[22:13] (alleged female from Indiana): here on aim is fine

Minor #1 told me about a video that one of the alleged females had sent to him, and the minor victim told me where to find this video on his computer. I did locate the video, which showed what appeared to be a minor female masturbating herself on a bed.

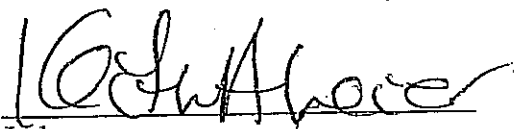
DeHart was identified through various investigative databases and was determined to be a 24 year old male located in Newburgh, Indiana. DeHart was positively identified by one of the victims through a photo lineup. All of the email addresses and the IP addresses used to send the messages were assigned to DeHart.

Although a records check indicated that the IP addresses for the email accounts of the alleged teenage females had not been retained due to the time lapse between the incident and the report to law enforcement, the creation dates of those accounts are within the time period that the chat conversations took place.

You are authorized and ordered, in the name of the State of Indiana, with the necessary and proper assistance, to enter into or upon the particular residence, structure, person, and/or place set forth in paragraph (B) of the Affidavit attached herein, and there diligently search for the item(s) and/or object(s) listed in paragraph (C) of the Affidavit attached herein. You are ordered to seize such property, or any part thereof, found on such search, and to hold said items securely until, further order of this Court. Pursuant to I.C. 35-33-5-7 this search warrant may be executed on any day of the week and at any time of the day or night. Also, pursuant to I.C. 35-33-5-7, the law enforcement officer(s) executing this search warrant may break open any outer or inner door or window in order to execute said warrant IF said officer's authority and purpose is announced and entry is not allowed.

This search warrant MUST be executed not more than ten (10) days after its date of issuance and returned to the court without unnecessary delay after its execution.

DATED this ~~22nd day of January, 2010~~, at the hour of 1:12 O'clock a.m. (p.m.)



Judge

Warrick Superior Court No. 1

RETURN ON SEARCH WARRANT

TO: Judge, Warrick Superior Court No. 1

The undersigned, a law enforcement officer with the Warrick County Sheriff's Office, hereby certifies that this search warrant was executed at 9:15 a.m. on the 25th day of January, ~~2010~~ and that the following item(s)/object(s) were seized:

See attached 2 page Property Record and Receipt.

This return dated this 28th day of January, ~~2010~~


Signature

Detective Paul M. Kruse
Warrick County Sheriff's Office



**WARRICK COUNTY SHERIFF'S OFFICE
PROPERTY RECORD & RECEIPT**

100 W SR 62 BOONVILLE, INDIANA 47601
(812) 897-6180 / FAX (812) 897-3654

09-1167

STORAGE BIN
NUMBER

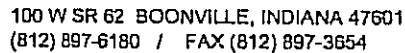
48

Name of Investigating Officer Det. Paul M. Kruse 1046	Date (Month/Day/Year) 1/25/2010	Military Time 9:18
Name of Submitting Officer Det. Paul M. Kruse 1046	Witness to Recovery Det. Jason Vandiver 1327	
Property Collected From Whom Matthew Dehart	Location Collected 10270 Bourbon St., Newburgh	
Details Items seized pursuant to Search Warrant	Offense Child Pornography	

ITEM #	DESCRIPTION (Include quantity, color, serial number and/or identifying marks.)
1	One sealed envelope containing one Staples brand 64 MB thumb drive. Found on top of chest in master bedroom by Det. Kruse.
2	One Hewlett Packard IPAQ PDA #X11-15454 in Metal Case with 512 MB PNY SD Card. Found on desk in master bedroom by Det. Matt Hill.
3	One EMachines Computer Tower Model T3612, # RC100 9461 706-0027 attached to keyboard, mouse, video, and audio. Found and collected by Det. Matt Hill from desk in master bedroom.
4	Dell Laptop - Inspiron 5100 Service Tag # 1X85X31 - No power supply. Found in Closet in Music/Fitness room on upper level by Det. Kruse.
5	One Unlabeled Memorex DVD found on top of night stand in Fitness/Music Room by Det. Kruse and one Staples CD-R found in bottom drawer of Plastic organizer drawers in SE corner of music and fitness room on upper level by Det. Kruse.
6	Three (3) VHS and five (5) VHS-C Video tapes in plastic bag found in closet in music/fitness room by Det. P. Kruse.
7	One Gateway Laptop, Model P-172XFX, Serial Number 1102188273 and power brick. Found and collected by Matt Hill from desk in Matthew Dehart's bedroom desk.
8	One Motorola Cell phone (verizon) with locked keypad. Found and collected by Det. Matt Hill from desk in Matt Dehart's bedroom.
9	Three (3) Mini DV video cassettes found in shelves above desk in Matt Dehart's bedroom by Det. Kruse.
10	Three (3) DVD-R and six (6) CD-R found in shelves above desk in Matt Dehart's bedroom by Det. Kruse.
11	Western Digital external hard drive WCAM 9A057740. Found in closet in Matt Dehart's bedroom and collected by Matt Hill.

ITEM #	Date/Time	From: Signature	To: Signature	Location	Code	Remarks

CODES: *C: Court *R: Released *D: Destroyed *T: Transferred S: Stored SS: Sheriff's Sale (* Remarks or witness required)



Investigating Officer
P. Kruse

Case 3:10-cr-00250 Document 88-1 Filed 05/21/12 Page 18 of 19 PageID #: 288

ORDER OF DISPOSITION OF PROPERTY SEIZED

In accordance with the laws of the State of Indiana, I hereby acknowledge the above return on search warrant and direct that the said items seized be delivered to the Warrick County Sheriff's Office to be held as evidence until further order of this court.

Judge
Warrick Circuit/Superior Court